

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Arah Muaba Bey, et al.,

Plaintiffs

v.

John T. Steffen, et al.,

Defendants

Case No. 2:23-cv-00573-CDS-DJA

Order Adopting Magistrate Judge's Report
and Recommendation and Closing Case

[ECF No. 10]

Plaintiffs Arah Muaba Bey, Amah Bajha El, and Heirs bring this action to redress constitutional violations they allegedly suffered in an apparent landlord-tenant dispute. Compl., ECF No. 1-1. In April of 2023, Bey was ordered to either pay the full \$402 filing fee for a civil action or file a completed application to proceed *in forma pauperis* (IFP). Order, ECF No. 3. Bey timely filed an IFP application (ECF No. 4) but Magistrate Judge Daniel Albregts found that Bey omitted or misrepresented information on the form (Order, ECF No. 5). The orders were served on Bey by mail, and on June 27 and 28, 2023, the mail was returned as undeliverable. ECF Nos. 6, 7. Thus, on January 2, 2024, Judge Albregts ordered Bey to update his address. Order, ECF No. 8. Bey was cautioned that failure to update his address by January 29 would result in a recommendation that this action be dismissed. *Id.* The order was served on Bey by mail. *Id.* On January 12, the mail was returned as undeliverable. ECF No. 9. Bey failed to update his address by the deadline and failed to respond to the court's order. Thus, on April 3, 2024, Judge Albregts issued a report and recommendation that this case be dismissed. R&R, ECF No. 10. The R&R was mailed to Bey, and on April 12, it was returned as undeliverable. ECF No. 11.

Under this district's local rules, Bey had until April 17, 2024 to file any objections to the R&R. LR IB 3-2(a) (stating that parties wishing to object to an R&R must file objections within fourteen days); *see also* 28 U.S.C. § 636(b)(1). As of the date of this order, Bey has neither objected

1 to the R&R nor requested more time to do so. “[N]o review is required of a magistrate judge’s
2 report and recommendation unless objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
3 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328
4 F.3d 1114, 1121 (9th Cir. 2003). I nonetheless reviewed Judge Albregts’ previous orders and the
5 docket in this matter.

6 In this instance, I find that dismissal of this action is warranted. On January 2, 2024, Bey
7 was ordered to update his address as required by Local Rule IA 3-1. There is no indication that
8 this order was not successfully delivered to Bey through the court’s notice of electronic filing
9 system.¹ More than three months have passed, and Bey has yet to notify the court of a current
10 address or respond to the court’s orders. Further, the same rule provides for the dismissal of an
11 action based on returned mail. LR IA 3-1 (“[f]ailure to comply with this rule may result in the
12 dismissal of the action[.]”). Bey had adequate warning that dismissal would result from his
13 noncompliance with the court’s order.

14 And, although he is unrepresented, Bey is familiar with operating within the judicial
15 system. *See, e.g., State of Nevada v. Bey*, 2:18-cv-01806-APG-PAL (D. Nev. 2018); *State of Nevada Superior*
16 *Court, et al.*, 2:18-cv-01807-JAD-VCF (D. Nev. 2018); *State of Nevada v. Bey*, 2:21-cv-00460-APG-NJK
17 (D. Nev. 2021); and *Bey v. Nevada Power Company, et al.*, 2:22-cv-01661-CDS-VCF (D. Nev. 2023).

18 Because Bey has not provided written notification of any change of mailing address or
19 email address in compliance with the local rules as ordered by Judge Albregts, I find that the
20 R&R is not clearly erroneous nor contrary to law and adopt it in full.

21 Conclusion

22 IT IS THEREFORE ORDERED that Judge Albregts’ report and recommendation [ECF
23 No. 10] is adopted in its entirety.


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¹ Although Bey’s mail was returned as undeliverable, the court notes that notice of all of Judge Albregts’
orders were also electronically mailed to Bey at his email of record.

1 IT IS FURTHER ORDERED that this action is dismissed without prejudice based on
2 Bey's failure to update his address in compliance with Judge Albregts' January 2, 2024 order.

3 The Clerk of Court is kindly directed to enter judgment accordingly and to close this
4 case.

5 Dated: April 22, 2024

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8 Cristina D. Silva
9 United States District Judge
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